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09/682,985	11/05/2001	Newton B. White JR.	GREN.P-001-2	4151
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EXAMINER				
PATEL, NIRAV B				
ART UNIT		PAPER NUMBER		
2435				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/682,985

Applicant(s)

WHITE, NEWTON B.

Examiner

NIRAV PATEL

Art Unit

2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment filed on July 23, 2009 has been entered. Claims 3, 10, 11 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cianfrocca et al. (U.S. Patent 6,088,796) and further in view of Ogdon (U.S. Patent 6,161,137).

a. Referring to Claim 3:

Cianfrocca et al. disclose a method for securely communicating with a server program using a secure hypertext transfer protocol which by default uses a first port number associated therewith, said method practiced in connection with a hypertext transfer protocol which defaults to the use of a second port number associated therewith [col. 17, lines 35-40], said method comprising:

(a) configuring the server program so that it listens for requests for secure hypertext transfer protocol sessions [col. 14, line 57 to col. 15, line 32; Fig. 4];

(b) receiving at the server program on the second port number a first data packet in a manner that is consistent with the secure hypertext transfer protocol [col. 20, lines 20-32; col. 17, lines 35-40; and col. 15, 28-32],

(c) outputting from the server program a response to the first data packet in a manner that is consistent with the secure hypertext transfer protocol [col. 20, lines 20-32; col. 17, lines 35-40; and col. 15, 28-32].

Cianfrocca et al. further disclose wherein the first port number is 443 and the second port number is 80 [col. 17, lines 35-40] and it is possible to change the port for one specific protocol connection providing that no other process is already listening and to specify one port for both types of protocol connections [col. 15, lines 28-32 and 40-42].

Ogdon teaches the second port, port 80, rather than the first port, port 443, can be used for communication with the server using the secure hypertext transfer protocol, which is one of various protocols selected from the group consisting of: secure socket layer, secure sockets layer, SSL, secure hypertext transfer protocol, and HTTPS [col. 16 lines 14-31].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to combine Ogdon with Cianfrocca et al., since one would have been motivated to provide various kinds of communication security [Ogdon, col. 14 lines 40-41].

b. Referring to Claims 10 and 11:

Cianfrocca et al. disclose a method and system means for:

receiving at port 80 at the web server system a first data packet that is formatted in accordance with the protocol [col. 20, lines 20-32; col. 17, lines 35-40; and col. 14, line 57 to col. 15, line 32]; and

responding to the first data packet with a second data packet that is formatted in accordance with the protocol [col. 20, lines 20-32; col. 17, lines 35-40; and col. 14, line 57 to col. 15, line 32].

Cianfrocca et al. further disclose wherein the port 80 [col. 17, lines 35-40] and it is possible to change the port for one specific protocol connection providing that no other process is already listening and to specify one port for both types of protocol connections [col. 15, lines 28-32 and 40-42].

Ogdon teaches the port 80 is used for communication with the server using the secure hypertext transfer protocol, which is one of various protocols selected from the group consisting of: secure socket layer, secure sockets layer, SSL, secure hypertext transfer protocol, and HTTPS [col. 16 lines 14-31].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to combine Ogdon with Cianfrocca et al., since one would have been motivated to provide various kinds of communication security [Ogdon, col. 14 lines 40-41].

Response to Argument

3. Applicant's arguments filed July 23, 2007⁹ have been fully considered but they are not persuasive.

Regarding to applicant's argument to claims 3, 10, and 11, Examiner disagrees since Cianfrocca teaches a multi-protocol server (messenger system) that supports HTTP, HTTPS, SMTP etc. A web browser sends a request to the messenger system using the HTTP or HTTPS protocol [Fig. 3]. The messenger system acts as an intermediate point between the request for information and access to the application servers and database management system. As shown in Fig. 4, the Internet user accesses a corporate application with web browsers. Web browsers accessing the system from outside the DMZ will connect via HTTP/HTTPS on the normal TCP ports for these protocols (80 and 442 respectively). The messenger system generates the replies and routes back to the web browser that generated the original request. Therefore, Cianfrocca teaches "secure communication with a server program using a secure hypertext transfer protocol (SHTTP) which by default users a first port number (port 443) associated with therewith, and in connection with a hypertext transfer protocol (HTTP) which defaults to the user of a second port number (port 80), the server program so that it listens for request for secure hypertext transfer protocol sessions, receiving at the server program on the port a first data packet in a manner that is consistent with the secure hypertext transfer protocol, outputting from the server program a response to the first data packet in manner that is consistent with the secure

hypertext transfer protocol". Ogdon's invention relates to communication network wherein the multiple entities communicate over the Internet. Each host is in communication with the security subsystem, which supports the various communication protocols, e.g. HTTP, HTTPS, or FTP and provides data packet filtering for filtering out network communication from unknown network sources. For data security can be implemented using Internet protocol such as FTP with user identification plus password and hypertext transport protocol secure (HTTPS). Further, Ogdon teaches that the security measures are provided by allowing the communication between host and any other entities in the network over port 60 or port 80. Therefore, Ogdon teaches the secure communication between network entities via security subsystem using the HTTPS on the second port (port 80) rather than the first port number (default or generally used port – port 443). Therefore, the combination of Cianfrocca and Ogdon teaches the claim limitation "configuring the server program so that it listens for requests for secure hypertext transfer protocol session on the second port number rather than the first port number; receiving at the server program on the second port number a first data packet in a manner that is consistent with the secure hypertext transfer protocol, except that the request is received on the second port number rather than the first port number;wherein the first port number is 443 and the second port number is 80", and "the web server system uses port 80 for communication using a security protocol (e.g. HTTPS) and receiving at port 80 at the web server system a first data packet that is formatted in accordance with the protocol.....".

For the above reasons, it is believed that the rejections should be sustained.

Conclusion

4. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/N. P./

Examiner, Art Unit 2435

/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435